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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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PM92/0714  
SHLESINGER ARKWRIGHT AND GARVEY  
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EXAMINER

SWINEHART, E

ART UNIT PAPER NUMBER

3612

DATE MAILED: 07/14/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-2 and 14-28 is/are rejected.
- ☒ Claim(s) 13 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

1. The application is objected to because of alterations which have not been initialed and/or dated as is required by 37 CFR 1.52(c). A properly executed oath or declaration which complies with 37 CFR 1.67(a) and identifies the application by application number and filing date is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The pack being made from water soluble adhesive. The specification states that such a pack may be made "with" water soluble adhesive.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear from the specification how a pack can be constructed of an adhesive. Without disclosure of the invention, one of ordinary skill in the art cannot make and/or use same.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 is unclear, as such would appear to include an incomplete portion of another claim, or is of multiple sentence form.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1,3,7,15,16,18,23 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Smithers et al.

Smithers et al. teaches an inflatable elongate housing including top and bottom walls. The top wall includes a non-skid surface S, and being configured to support a person in a prone face-down position. The front portion of the elongate housing has rounded portions, such portions

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exhibiting an angle with respect to the horizontal. The top and bottom panels are connected together at the edges thereof.

Re claims 1 and 3, the top and bottom panels are parallel, and the interconnecting membranes will inherently prevent excess bulging as claimed.

9. Claims 1,3,4,7,15,16,18,23,24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Mauney et al.

Mauney et al. teaches top and bottom panels of an inflatable housing, and further provides interconnecting threads **15** for maintaining a parallel relationship between the panels. A covering **16** of non-slip material is provided.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithers et al. in view of Mauney et al.

Smithers et al. fails to teach a plurality of threads interconnecting top and bottom panels as claimed.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a plurality of threads for the membranes of Smithers et al. as taught by Mauney et al.

Such a combination would have been desirable at the time of the invention was made so as to provide for an aesthetically pleasing and relatively rigid inflatable housing.

12. Claims 5,6,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithers et al. in view of Wang.

Smithers et al. fails to teach a honeycomb interior structure, nor the claimed tubular structures disposed within the housing.

Wang teaches a plurality of tubular structure disposed within his housing. Such tubular members being generally disposed as in a honeycomb.

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a plurality of equivalent tubular members as taught by Wang for the membranes of Smithers et al.

Such a combination would have been desirable at the time of the invention was made so as to provide for substitution of equivalents.

13. Claims 8-11,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al. in view of De Simone.

Mauney et al. fails to teach a cover for the user.

De Simone teaches an inflatable housing, including a covering for the body and arms, as well as a hood portion including a visor 56.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a housing as that of Mauney et al., with a body covering as taught by De Simone.

Such a combination would have been desirable at the time of the invention was made so as to provide for the use of the device of Mauney et al. for lifesaving.

14. Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al. in view of Yonover.

Mauney et al. fails to teach provision of a streamer as claimed.

Yonover teaches a streamer attached to a life raft.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a streamer to the invention of Mauney et al. as taught by Yonover.

Such a combination would have been desirable at the time of the invention was made so as to enhance the viability.

15. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al. in view of Brenckmann.

Mauney et al. fails to teach provision of a leash and fin.

Brenckmann teaches the use of an inflatable housing as a sailboard, and provides a fin as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a fin to the housing of Mauney et al., and use same as a sailboard as taught by

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Brenckmann. Provision of a leash on a sailboard would not have provided a patentable distinction in the art.

Such a combination would have been desirable at the time of the invention was made so as to provide for the use of the housing of Mauney et al. for recreation.

16. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smithers et al. in view of Waas.

Smithers et al. fails to teach a "relief" associated with the inflatable housing.

Waas teaches such a relief valve **14**, to prevent explosion in the event of over-pressurization of the tank.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Smithers et al. with a means of inflation including a relief valve as taught by Waas.

Such a combination would have been desirable at the time of the invention was made so as to provide for a quick and safe means of inflation.

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauney et al. in view of Anderson.

Mauney et al. fails to teach provision of a compass.

Anderson teaches a compass on a prone ridden float.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a compass to the float of Mauney et al. as taught by Anderson.



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Such a combination would have been desirable at the time of the invention was made so as to provide for the safety of the user.

18. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. Papers relating to this application may be submitted to Technology Center 3600 by facsimile transmission. The submission of such papers by facsimile transmission must comply with the notice published in the Official Gazette, **1096 OG 30** (November 15, 1989). The Fax Center number is (703)-305-3597.

20. Any inquiry concerning this communication should be directed to Ed L. Swinehart whose telephone number is (703)-308-2566.

21. Any inquiry of a general nature or relating to the status of the application should be directed to the Technology Center 3600 receptionist whose telephone number is (703)-308-1113.

July 12, 1999

A handwritten signature in black ink, consisting of several loops and a horizontal line at the end, representing the name Ed L. Swinehart.

**Ed L. Swinehart  
Primary Examiner  
Art Unit 3612**